SECTION A

1. Section 1 of the Medicinal Plants Act states “No person shall buy or sell any medicinal plant without certification from the Ministry of Health.” The moringa plant is one of the medicinal plants listed in Schedule A in the Act. Anna-Kaye, a well-known herbalist, sells two pounds of Moringa leaves to Sally-Ann. Sally-Ann is in possession of a certificate, however, Anna-Kaye is not. Sally-Ann makes a deposit of $50 leaving an outstanding balance of $75. When she discovers that Anna-Kaye does not have a licence, she refuses to return the leaves and pay the outstanding balance.

Rebekah is also a well-known herbalist certified by the Ministry who sells Moringa seeds to Christiane, who is a certified purchaser. In exchange for the seeds, Christiane, the Chief Environmental Inspector, agrees that, though she received numerous complaints of rodents, she will not inspect Rebekah’s premises. This is despite the fact that she saw rodents when she arrived at the premises to collect the seeds. She also informs Rebekah that her husband, Christian, Chief Tax Collector, will no longer require her to pay taxes owed to the state three years ago. The following week, Rebekah premises are inspected and she is ticketed for numerous environmental violations and she receives notification that the Tax Authority will be proceeding against her for tax arrears.

Advise Anna-Kaye and Rebekah.
2. "The rule in *Hadley v Baxendale* (1854) is, in truth, two rules."

Discuss with reference to decided cases.

3. "The discharge of a contract is premised on the failure of a party to execute his contractual obligations."

Critically analyse this statement with reference to breach of contract.

4. "All misrepresentations will not find listening ears in court; only those which are actionable."

Critically discuss.

5. Answer Question A OR B.

"When the courts are faced with mistakes as to the quality of the subject matter, both at common law and in equity, they are met by much confusion. Added to this, the celebrated decision of *Great Peace* has brought little peace to these troubled waters."

Critically discuss.

OR

Jeff enters into a contract with Eddy to sell Eddy his, Jeff's, 1945 Ford ZX car for $100,000 and his broodmare (a horse he keeps for breeding), Anna, for $80,000.

Unknown to both Jeff and Eddy, Lesley, Jeff's daughter, has written off the car two days before the contract was made.

Also, three weeks prior to the contract between Jeff and Eddy, Anna, the broodmare, fell and became barren. Anna is now worth only $10,000. Neither Jeff nor Eddy, who is purchasing Anna for breeding purposes, knows of this at the time of the contract.

Advise Eddy.
6. Advise the parties in **ALL** of the following scenarios:

a) Kayodii & Co Ltd, a roof repair company, entered a fifty-year rental agreement with Property & Estate Ltd. This agreement permitted Kayodii & Co Ltd to store exclusively their roofing materials in warehouse A. This warehouse is located in Tunapuna. Owing to an eruption of the nearby volcano, the road to the warehouse was impassable and has remained in this state for the past 20 years preventing access to the warehouse. Kayodii & Co Ltd alleges that the agreement has been frustrated.

b) Better Off Estates is well-known for the famous weddings which take place on their property. John and Susan will be married in the reception hall at Better Off Estates on March 13. The night before the wedding, Alex, Chief Electrician of Better Off Estates, carried a kerosene lamp to fix the electric breaker. Alex tripped on the kerosene lamp resulting in the destruction of the reception hall. Better Off Estates claims that the contract has been frustrated.

c) Theola rented a tour bus for one day from Manfas Garage Ltd for the purpose of attending the Independence Day parade in the morning and a picnic at Nearly Mountain Park in the afternoon. The day before the parade, the government announced that due to a strike on the pasture used for the parade, it would be called off. Theola calls Manfas Garage Ltd informing them that the contract has been frustrated. She demands the return of her money.

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